

SCS HB 1149 -- DIVISION OF YOUTH SERVICES

This bill changes the laws regarding the Division of Youth Services within the Department of Social Services.

The bill defines "youth" as it applies to the provisions regarding the division as a person under 21 years of age committed to the custody of the division.

Currently, the division must investigate all pertinent circumstances of the background of a child who has been committed to facilitate the placement of the child in the most appropriate program or residential facility and a child committed for a status offense cannot be placed in the W.E. Sears Youth Center in Poplar Bluff or the Hogan Street Regional Youth Center in St. Louis. The bill specifies that the investigation of the child is to facilitate the placement and treatment of the child in the most appropriate program or residential facility and removes the prohibition on the commitment of a child who is committed for a status offense to the specific facilities but specifies that the child may not be placed in any residential facility designated by the division as a maximum security facility.

The bill revises the list of programs and facilities that the division may establish and operate by removing park camps and regional facilities and adding moderate care facilities and day treatment programs.

The provisions are repealed that allow the division to offer on-the-job vocational training that does not exceed eight hours a day, allow the State Park Board to pay up to \$15 a month to a child working in a state park or park work camp, and specify how the money is to be paid to the child. The bill specifies that the board may pay wages out of its appropriations for any work performed in any state park by a youth committed to the division, the division may provide for the payment of reasonable wages for work or tasks performed by the youth, and all payments made to or on behalf of the youth must be the youth's property, but the division may place restrictions on the youth's access to the funds as the division determines appropriate in the best interests of the youth and to assure security in the division's facilities.

Currently, the division must establish a community work program in which offenders committed to the custody of the division who are 14 to 18 years of age may work on projects developed by specified state departments. The bill allows the division to establish a program and allows youth under the age of 21 to participate. The number of youth who may participate in a work group on a work project is increased from not more than 11 to not more than 13.

The bill requires staff supervising the work projects to receive appropriate training per year from the Department of Social Services and the division instead of the current at least 20 hours.

The bill creates a special class of trust funds to be known as a DYS trust fund for depositing wages earned by a youth or for other funds provided for the use or benefit of the youth. These funds will be established for each facility where youth are located in the custody of the division throughout the state, and the division must deposit money in a DYS trust fund with a financial institution. Any earnings attributable to the money in the account of a youth must be credited to that youth's DYS trust fund. Any funds not expended by or on behalf of the youth before the youth's release from DYS residential care must be paid to the youth upon release from DYS residential care. The division must establish by regulation a program for youth to access funds for reasonable purposes while the youth is in DYS residential care, and the program must include training for youth on wise money management, maintaining personal financial accounts, and saving money for use after discharge from DYS residential care.

The bill also creates a special trust fund to be known as the DYS Child Benefits Fund for the deposit of payments from the Social Security Administration to youth in custody of the division. Moneys in the fund must not be deemed to be state funds and must be used only for the purposes specified by federal or state law or regulation of the division. Any funds not expended by or on behalf of the youth before release from DYS residential care must be distributed as required by federal law.

The division may accept an appointment to serve as representative payee or fiduciary, or in a similar capacity for payments to a youth, and any money received by the division on behalf of a youth must be deposited in either a DYS trust fund or the DYS Child Benefits Fund and accounted for in the name of the youth or as representative payee of the youth. The division may accept funds which a parent, guardian, or other person wishes to provide for the use or benefit of the youth. The funds must be deposited in a DYS trust fund in the name of the youth at the DYS facility where the youth resides. Each youth must be furnished annually with a statement listing every transaction involving funds which have been deposited with the division on the youth's behalf, including all receipts and disbursements.

The division must promptly disburse any balance of money accumulated in the youth's account when the youth is released from DYS residential care or upon the death of the youth as specified in the bill. Moneys in the fund may be dispensed as specified in the bill and any remaining money of which the owner is unknown or

cannot be located must be reported pursuant to the laws governing the uniform disposition of unclaimed property as specified in the bill.

The bill prohibits moneys in either fund from being transferred to the General Revenue Fund at the end of each biennium. The provisions of the bill must not be deemed to apply to funds regularly due the State of Missouri for the support and maintenance of youth in the care and custody of the division or collected by the state as reimbursement for state funds expended on behalf of the youth.